

**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
August 17, 2016**

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:00 p.m., Wednesday, August 17, 2016 at Buena Vista Community Center, 715 E Main Street, Buena Vista, Colorado by Chair Trey Shelton. Also present were Commissioners Preston Larimer, Annie Davis, and Tim Bliss, and Alternate Ed Barkowski. Staff Present: Principal Planner Mark Doering, Planner I Scott Reynolds, and Planning Technician Jill Abrell.

PLEDGE OF ALLEGIANCE

Chair Shelton led in the Pledge of Allegiance.

ROLL CALL

Abrell proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Shelton called for approval of the agenda. **Motion #1** was made by Davis and seconded by Larimer to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES

Davis motioned for approval of the August 3, 2016 minutes. **Motion #2** was seconded by Larimer. Motion carried.

PUBLIC COMMENT

Shelton opened the public comment portion of the hearing at 7:01 p.m. With no comments received, the public comment portion of the meeting closed at 7:01 p.m. (with one mention of the Olympics).

NEW BUSINESS

505 & 507 Hwy 24 N. Comprehensive Sign Plan (CSP)

Chelsey Wartman of 29831 County Road 353 rose to address the Commission. She stated that Styletto's was interested in adding an additional wall sign to the building. She noted that there is currently a projecting sign that will be taken down, but that another sign will be added to the small "Snoopy Cabin" on the property.

Reynolds then presented the staff report. Reynolds noted the zoning and sign regulations for the property. He discussed the signage currently on the property and noted any known prior approval dates. He stated that Jade Garden (505 Hwy 24 N) and Styletto's (507 Hwy 24 N) are on the same property which is why signs for both businesses are being discussed with this project, and that signs that are up that were not previously permitted are going to be made legal through this process.

Reynolds then discussed specific signs on the property. He noted that staff is currently not approving new roof signs but because the current roof sign for Jade Garden has been up for so long, staff is interested in making this permitted. He then commented that the projecting sign on the Snoopy Cabin is in CDOT right of way and staff does not recommend approval. He stated that the applicant is open to removing the projecting sign. Reynolds commented that there is a 25' easement on the property but it does not affect signage.

He concluded by stating that all the existing and proposed signs are professionally designed, and that staff recommends approval with the following conditions:

1. Within 30 days of approval, the projecting sign and bracket on the freestanding cabin structure shall be removed from the property.
2. With the installation of the new wall sign for Styletto's at 507 North Highway 24, exterior lighting shall be directed downwards and fully shielded in compliance with Section 16-242(j)(2)(c) of the Municipal Code.
3. Any changes to the signs on the property, including the roof sign, shall meet the requirements of the Buena Vista sign code in effect at the time of a new permit.

Shelton asked if any conditions were needed to address the easement. Reynolds stated that staff would approach that situation if it occurred. Bliss asked if the projecting sign is currently there. Reynolds stated it is, and that files with the Town shows it is been there for a long time. Bliss stated that he preferred the projecting sign to the signs being on the roof. Davis commented that the signs looked well done. Larimer noted that the weeds around the Snoopy Cabin should be addressed.

Barkowski expressed concern regarding what would happen with the two signs on the cabin if one business went out. The Commission noted some concern with the design of the "Jade Garden" sign on the Snoopy Cabin. The Commission expressed desire to see the sign on the Snoopy Cabin match the roof sign for Jade Garden. Shelton noted that a requirement could be added to make it match, but Bliss noted that although he agreed, he didn't think there was enough backing in the code to allow them to require harmonious signs.

Davis made a motion to approve the Comprehensive Sign Plan for 505 & 505 Highway 24 N. with conditions as outlined by staff. Bliss seconded. **Motion #3** carried with no objections.

ACA Minor Subdivision

Shiela Moore of 11463 Ruby Mountain Lane, Nathrop, representing Paul Moltz for ACA Products rose to address the Commission. She stated that Mr. Moltz had purchased property located at 28221 CR 319 in Buena Vista, Colorado. She noted that shortly after purchasing the property, they were approached by Chaffee County EMS and Chaffee County Fire about locating Emergency Services on that property.

Ms. Moore stated that they have concerns about the Public Improvement Agreement (PIA) and disagree with the requirement to have a PIA. She noted they have no issues with the Avigation Easement and height standards of the Airport Protection District overlay.

Reynolds then presented the staff review. He noted that the intention of the subdivision was to create three (3) non-residential lots at 28221 CR 319. He stated that County EMS would like one of the lots, and possibly Chaffee County Fire at a later date. Reynolds stated that the property is currently zoned I-1 with

Airport Protection District Overlay (APO) and noted that a small portion of the property is in the Runway Protection Zone. He pointed out that there is an irrigation ditch on the northeast corner of the site. He noted that the rest of the project site is not within 400 feet of a fire hydrant per International Fire Code (IFC) requirements as well as lacking some basic utility services.

Reynolds displayed a map of the final plat with the three (3) proposed lots. Reynolds then showed the property affected by the APO. He noted that the lot has been vacant for some time, and the intention is to re-utilize structures.

Reynolds then reviewed the Minor Subdivision Criteria. He noted that no new streets are required or proposed but that it is up to the Board of Trustees if sidewalks are necessary. He stated that staff is not recommending the addition of sidewalks, but are recommending landscaping to go in. Reynolds commented that currently no street lighting exists and that that is also up to the Board of Trustees as to whether it needs put in. He noted that all proposed subdivisions have to have access to water and sewage, so those expansions would need to be addressed, and must be underground. He further stated that public improvements would include extending the water line to provide the ability to develop those lots and the installation of a fire hydrant.

Reynolds continued with the criteria and stated that the proposed new lots meet the size requirements for the zone district. He noted that there is currently an easement north of property, and that the subdivision would formalize the easement to the south. He commented that there are two (2) irrigation easements, and a Sangre de Cristo Electrical Association easement on northern end, and the latter will be expanded to provide electric to service other lots. He noted that access would be off of Steele Drive and that there is a well on the northern part of the property which will be used for mining operations. Reynolds noted that staff could not find the legal status of the well.

He continued by stating that the applicant will provide easements as required, including the avigation easement. He further noted that one of the recommended conditions of approval is to have the applicant show topography to ensure proper drainage. Reynolds stated that with conditions added, staff feels the criteria have been met.

Reynolds concluded that staff recommends approval with the following conditions:

1. Prior to the final plat being recorded, the applicant shall execute a Public Improvement Agreement (PIA) with the Town that meets the Public Works and Buena Vista Fire Department required water line extensions and fire hydrant placement. Reynolds noted that the applicant can work with other entities to pay for cost of improvement but that the PIA would be between the Town of Buena Vista and the applicant.
2. Prior to any development on the lots, the property shall meet the minimum landscaping code at the time of permit approval;
3. Prior to the well on the property being used, the applicant shall provide proof from the State Engineer's Office allowing the use of the well;
4. Prior to recording the Final Plat, the Final Plat drawings shall be corrected to the satisfaction of the Principal Planner, including showing topography that demonstrates proper drainage; and
5. Prior to or accompanying the Final Plat recording, an Avigation Easement for Lot 1 shall be recorded at the Chaffee County Clerk and Recorder's Office.

Doering clarified that a Public Improvement Agreement (PIA) establishes when and how improvements will be installed or completed by. He noted that typically a PIA would outline a timeline for improvements and would have to be approved at the time of recordation of Final Plat, although the improvements themselves do not have to be done at the time of recordation. The Commission inquired what would happen with the PIA if the land sold. Doering stated that typically the PIA stays with the owner, and that that would probably be a point of discussion between the buyer and the seller should that situation arise.

Reynolds clarified that per state statutes, the proposed subdivision has to go to State Geological Board and to the Board of County Commissioners if it is over five (5) or more acres of land.

With no further discussion, Larimer motioned to recommend to the Board of Trustees approval with conditions as laid out by staff. Davis seconded, and **Motion #4** carried unanimously.

Wartman Minor Subdivision

Steve Wartman of 29798 CR 353 rose to address the Commission. He stated that he is applying for a minor subdivision as part of his Special Use Permit (SUP) requirement for 102 Brookdale.

Doering then presented the Commission with the staff report. He noted that the minor subdivision is located at 102 Brookdale and that the subdivision would create one (1) lot from three (3) parcels. He noted that the lot had been subdivided outside of the town ordinances in the past. He stated that there is an existing building on the property and no new public improvements are required. Doering noted that the property is in the B-1 Zone district and displayed the existing building and land in question.

Doering then went through Minor Subdivision Criteria. He stated that the existing building and existing infrastructure meet the requirements for subdivision and that the new lot meets the size requirement. Doering stated that adequate utility services exist and that the applicant will dedicate town easements as required, but no new easements would be created on this property. He noted that proper drainage control has been demonstrated but that if any expansions or additions are done, the applicant will have to meet any new drainage requirements at that time.

Doering concluded by stating that staff recommends approval with the following conditions:

1. Prior to recordation of the Final Plat, the Final Plat drawings shall be corrected to the satisfaction of the Principal Planner.

Doering clarified that the subdivision process had been done in 2004, that the applicant at the time went to the Board of Trustees for approval, but that the plat never got recorded.

With no further discussion or questions, Larimer motioned to recommend to the Board of Trustees approval with conditions as outlined by staff. Bliss seconded and **Motion #5** carried.

STAFF / COMMISSION INTERACTION

Doering stated that he would like to rethink the Comprehensive Sign Plan process going in front of the Commission. He noted that the one tonight is a good example of signs that go up illegally, and that Town would like to begin addressing illegal signs. He further stated that with the new Unified Development Code (UDC), staff is hoping for more allowance with signs. He noted that once the UDC is complete, Code Enforcement will start addressing illegal signs. He also noted that the feather-type "now open" signs

that have been going up at a lot of businesses are illegal signs. He stated staff would like to have a conversation with business owners about signs, and that with so many signs, it is becoming very cumbersome and clogging properties.

Bliss asked if there are requirements as to what a monument sign may look like. Larimer noted that at one time, landscaping was required at the base of monument signs. Doering stated that it will be looked at with the UDC. Larimer commented that many signs will have to come down when CDOT begins work on the highway. Doering agreed and added that the project will change the configuration of the highway.

Doering noted that the Wartman Minor Subdivision should have been done prior to the business opening at its new location. Doering commented that that conversation will probably happen at the Board of Trustees meeting if there are any complaints from neighboring properties. Bliss asked about any potential consequence. Doering noted that there could have been a fine or the applicant could have been blocked from opening his business, but that he wasn't comfortable taking those steps.

The Commission discussed meeting start time and decided that the second meeting in September will begin the 6:00 p.m. start time.

Doering gave an update on the Noe Minor Subdivision. He stated that the Board of Trustees approved the recommendation but that they asked the applicant to return with a request for assistance with the alley improvements, specifically to remove the boulder.

He also gave an update on the Special Use Permit for 650 S. Gunnison and mentioned that the applicant began digging yesterday for the primary house and the accessory dwelling unit.

The Commission noted technical difficulties they were having with their iPads.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Davis motioned to adjourn the meeting at 7:56 p.m. Commissioner Bliss seconded. **Motion #6** was unanimously approved.

Respectfully submitted:


Trey Shelton, Chair
Jill Abrell, Planning Technician